IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO: 1240 OF 2001 (M/S)
(Old No. 38423/2000)

State of U.P. through Executing Engineer, Lakhwar Dam Construction Division-II, Dakpatthar, Dehradun.
-------Petitioner

Versus

1- The Presiding Officer, Labour Court, Dehradun.
2- Sri Mohan Lal S/o Sri Ratan Lal, R/o Gram Dumer, Post Ashok Ashram, District Dehradun.

--------Respondents

Learned Standing counsel for the petitioner.
Learned Chief Standing Counsel for the respondents.

Dated: April 21, 2006.
HON'BLE RAJESH TANDON, J.

Heard learned Standing counsel for the petitioner and learned Chief standing counsel for the respondents.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the order dated 10-09-1999 passed by the respondent no.1.

Briefly stated, that the State Govt. vide its notification dated 30-03-1999 referred an industrial dispute for its adjudication to the following effect:-

> *"Whether termination of service of workman Sri Mohan Lal, Beldar/Chowkidar w.e.f. 01-08-1983 is illegal and unjustified, if yes then what relief he is entitled to get"*

The respondent no.2 has filed his written statement stating therein that he was appointed on 31-

03-1980 and he is continuously working till the date of termination, and hence he requested for his reinstatement in service. However the petitioner has taken the stand that he was engaged in the department since 1980 and he was working as daily wage basis on the availability of work and fund and he left the job w.e.f. 01-08-1993 he did not turn up nor he ever approached the petitioner for work after that period. On 10-09-1999 the award was made and it was found that the petitioner has worked for more than 240 days. The relevant findings are quoted below:-

" tc okn Jfed dk 01-08-1983 l 240 fnu l cgr vf/kd dh vof/k rd dk;l dju d ckotn Hkh vo/k :i l gVk fn;k x;k Fkk rk 07-02-1997 rd ml dk;jr jgu dk i'u gh ugh mBrkA bl vykok ie[k vfHk;Urk d 24-09-1997 d fun'kk e ;g LiIV dgk x;k g fd ftu eLVjjk'y@nfud oru Hkkxh dekpkfj;k u 01-01-1993 l iwo 240 fnu l vf/kd dh lsok i.k dj yh g vkj ftUgk gVk;k x;k g mudk dk;l iHkkfjr vf/kIBku e lek;kstu gr nfud oru Hkkxh@eLVjjk'y lsok dk ykHk fn;k tk;A okn Jfed 01-01-1993 l iwo 240 fnu l cgr vf/kd lsok dj pdk FkkA vkj 01-01-1993 l iwo lsok l gVk;k Hkh x;k vr% og ie[k vfHk;Urk d bu fun'kk dk ykHk ikus dk vf/kdkjh gA**"**

As will appear from the aforesaid observations, the respondent no.2 is entitled for the benefit of the order dated 24-09-1997 passed by the Chief Engineer by which muster roll employees have been benefited.

The labour court has recorded a finding that the workman had worked for more than 240 days before 01-01-1993 and accordingly passed an order for his reinstatement. The labour court has also awarded a sum of Rs. 20,000/- as compensation instead of awarding full back wages. I find no infirmity in the order passed by the

Labour Court under Article of 226/227 of Constitution of India.

Writ Petition Is dismissed. No order as to costs.

(Rajesh Tandon, J.)

21/04/2006
A.Roy